

Panaji, 2nd March, 1989 (Phalguna 11, 1910)

SERIES I No. 48

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

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General Administration and Coordination Department

#### Notification

GAC-20-231/74-Part file

The Government of Goa is pleased to amend the Goa, Daman and Diu Civil Services (Allotment of Residential Accommodation) Rules as follows, namely:—

1. *Short Title and commencement.*— (1) These rules may be called the Goa Civil Services (Allotment of Residential Accommodation) (Amendment) Rules, 1989. (2) They shall come into force at once.

2. *Amendment of Rule 12.*— In clause (b) of Rule 12 the Goa, Daman and Diu Civil Services (Allotment of Residential Accommodation) Rules.

The following rule shall be substituted namely:—

12(b) (i) If a Government servant proceeds on promotion, deputation or transfer or on foreign service or on temporary transfer within Goa, during the academic year, with prior approval of Allotting Authority, he will be permitted to retain the quarter upto the end of the academic year on payment of double the licence fee, and without prior approval of government double the standard rent;

(ii) In case he fails to vacate the quarter at the end of the academic year he will be liable to pay penal rent for the unauthorised occupation at the rate of 20% of his emoluments until eviction;

(iii) In exceptional circumstances to be decided by the State Government on the merits of the case government servants could be permitted to retain quarter with 10% of his emoluments as rent.

By order and in the name of the Governor of Goa,

A. V. Pimenta, Under Secretary (G. A.).

Panaji, 22nd February, 1989.

Forest Department

#### Notification

14-3(18)83/MIS/FOR

In exercise of the powers conferred by section 76 read with section 32, 41 and 51 of the Indian Forest Act, 1927, Central Act 16 of 1927 and all other powers enabling it in that behalf the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Forest Rules, 1964, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Forest (Amendment) Rules, 1989.

(2) They shall come into force at once.

*Amendment of Rule 4.1.*— For Sub-rule (3) of rule 4.1 of the Goa, Daman and Diu Forest Rules 1964, the following sub-rule shall be substituted namely:—

“(3) Movement of vehicles loaded with forest produce is prohibited between 8 p. m. to 6 a. m. in the State of Goa”.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa (Forest Dept.).

Panaji, 20th February, 1989.

Public Health Department

#### Corrigendum

1-16-80/PHD(2)

Read: Order No. 1-16-80/PHD (2) dated 7-10-88. Para one of the order referred to above may be substituted to read as under:—

“Government is pleased to change the designation of the existing 3 posts of Junior Assistant Clinical Pathologists (non-teaching) created vide order No. Med/63/23321 dated 14-10-1963

in the scale of Rs. 2000-4000 to that of Demonstrator in Pathology in the same scale of pay with effect from 7-10-1988".

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 18th January, 1989.

Law (Legal and Legislative Affairs) Department

#### Notification

10-3-88/LA

The Arms (Amendment) Act, 1988 (Central Act 42 of 1988) which was passed by Parliament and assented to by the President of India on 1-9-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-9-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 24th January, 1989.

The Arms (Amendment) Act, 1988

AN

ACT

further to amend the Arms Act, 1959.

Be it enacted by Parliament in the Tirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Arms (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 27th day of May, 1988.

2. *Amendment of section 2.* — In section 2 of the Arms Act, 1959 (hereinafter 54 of 1959. referred to as the principal Act, in sub-section (1), —

(i) in clause (b), in sub-clause (i), for the words "and other like missiles", the words "and other missiles" shall be substituted;

(ii) in clause (h), after the word "shells," the word "missiles," shall be inserted.

3. *Amendment of section 5.* — In sub-section (1) of section 5 of the principal Act, in clause (a), for the word "manufacture", the words "use, manufacture" shall be substituted.

4. *Amendment of section 7.* — In section 7 of the principal Act, in clause (b), for the word "manufacture" the word "use, manufacture" shall be substituted.

5. *Amendment of section 25.* — In section 25 of the principal Act, —

(a) in sub-section (1), clause (c) shall be omitted;

(b) sub-section (1A) shall be renumbered as sub-section (1AAA) thereof, and before sub-section (1AAA) as so renumbered, the following sub-sections shall be inserted, namely:—

"(1A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(1AA) Whoever manufactures, sells, transfers, converts, repairs tests or proves, or exposes or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine."

6. *Substitution of new section for section 27.* — For section 27 of the principal Act, the following section shall be substituted, namely:—

"27 *Punishment for using arms, etc.* — (1) Whoever uses any arms or ammunition in contravention of section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death."

7. *Repeal and saving.* — (1) The Arms (Amendment) Ordinance, 1988, is hereby Ord. 5 of 1988. repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Notification

10-3-88/LA (Part)

The Aircraft (Amendment) Act, 1988 (Central Act 50 of 1988) which was passed by Parliament and assented to by the President of India on 23-9-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27-9-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 25th January, 1989.

## The Aircraft (Amendment) Act, 1988

AN  
ACT*further to amend the Aircraft Act, 1934.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Aircraft (Amendment) Act, 1988.

2. *Amendment of Act 22 of 1934.*—In section 10 of the Aircraft Act, 1934, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) If any person contravenes any provision of any rule made under clause (qq) of sub-section (2) of section 5 prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometres from the aerodrome reference point, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(1B) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence referred to in sub-section (1A) shall be cognizable.”

## Notification

10-3-88/LA (Part)

The Monopolies and Restrictive Trade Practices (Amendment) Act, 1988 (Central Act 62 of 1988) which was passed by Parliament and assented to by the President of India on 10-12-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13-12-1988, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th February, 1989.

## The Monopolies and Restrictive Trade Practices (Amendment) Act, 1988

*further to amend the Monopolies and Restrictive Trade Practices Act, 1969.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1988.

2. *Amendment of section 22A.*—In section 22A of the Monopolies and Restrictive Trade Practices Act, 1969 (hereinafter referred to as the principal Act), in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) which is based totally on technology developed in India;”.

3. *Amendment of section 67.*—In section 67 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any rule made under clause (c) of sub-section (2) in relation to the conditions of service of the members of the Commission may be made retrospectively from a date not earlier than the 1st day of January, 1986, so, however, that such rule shall not prejudicially affect the interests of any such member.”.

## Notification

10-3-88/LA (Part),

The Commissions of Inquiry (Amendment) Act, 1988 (Central Act 63 of 1988) which was passed by Parliament and assented to by the President of India, on 10-12-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13-12-1988, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th February, 1989.

## The Commissions of Inquiry (Amendment) Act, 1988

AN  
ACT*further to amend the Commissions of Inquiry Act, 1952.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Commissions of Inquiry (Amendment) Act, 1988.

2. *Insertion of new section 5B.*—After section 5A of the Commissions of Inquiry Act, 1952 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“5B. *Power of Commission to appoint assessors.*—The Commission may, for the purpose of conducting any inquiry, appoint persons having special knowledge of any matter connected with the inquiry as assessors, to assist and advise the Commission in the inquiry and the assessor shall be entitled to such travelling and other expenses as may be prescribed.”.

3. *Amendment of section 10A.*—In section 10A of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when an offence under sub-section (1) is alleged to have been committed, the High Court may take cognizance of such offence, without the case being committed to it, upon a complaint in writing, made by a

member of a Commission or an officer of the Commission authorised by it in this behalf.

(3) Every complaint referred to in sub-section (2) shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(4) No High Court shall take cognizance of an offence under sub-section (1) unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

(5) A High Court taking cognizance of an offence under sub-section (1) shall try the case in accordance with the procedure for the trial of warrant cases instituted otherwise than on a police report before a court of a Magistrate:

Provided that the personal attendance of a member of a Commission as a complainant or otherwise is not required in such trial.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie as a matter of right from any judgment of the High Court to the Supreme Court, both on facts and on law. 2 of 1974.

(7) Every appeal to the Supreme Court under sub-section (6) shall be preferred within a period of thirty days from the date of the judgment appealed from:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days."

4. *Amendment of section 12.*— In sub-section (2) of section 12 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

(cc) the travelling and other expenses payable to assessors appointed under section 5B, and to persons summoned by the Commission to give evidence or to produce documents before it."